

# GIVENS, FUNKE & WORK

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July 20, 2000

Carl A. Strock  
Brigadier General  
United States Army  
Division Engineer

Dear Mr. Strock,

Release of the Biological Opinion and All H Paper draw near. The Spokane Tribe is becoming increasingly concerned about the absence of follow through on the federal commitment to engage the Spokane and other upper Columbia Basin Tribes in consultation on river/reservoir operations.

As a matter of record the Spokane Tribe has consistently and specifically requested the federal operating agencies engage the Tribe in formal government-to-government consultation on flood control, flow augmentation, reservoir management, Canadian storage releases and assessment and mitigation for the pervasive impacts incurred annually by the Tribe as a result of these river/reservoir operations.

Specifically, the Tribe has repeatedly restated its request for consultation on:

1. January 5, 2000 - Spokane letter to Federal Caucus
2. January 26, 2000 - Consultation Meeting, Federal Caucus, Washington, D.C.
3. February 28, 2000 - Spokane letter to Federal Caucus
4. March 24, 2000 - Consultation Meeting, Federal Caucus, Spokane, WA
5. April 4, 2000 - Consultation Meeting, Federal Caucus, Boise, ID
6. April 25, 2000 - Consultation Meeting, Federal Caucus, Washington, D.C.
7. June 28, 2000 - CEQ/Federal Caucus Consultation Conference Call

In response to each of these requests, the Tribe has received repeated assurances that a specific, formal on-going consultation process will be developed between the Tribe and Federal operating agencies on river/reservoir operations. That has not happened. At the April 4, 2000 consultation meeting, the U.S. ACOE specifically committed to respond in writing to the Tribe's February 28, 2000 letter to the operating agencies specifically requesting such consultation. It was agreed that the ACOE written response would propose the framework for engaging in government-to-government consultation between the agencies and the Spokane Tribe. I am in receipt of a draft of that ACOE response. While the draft letter does provide the promised framework for consultation, it is not yet signed by you. The Spokane Tribe requests you provide the Tribe a signed version of the draft letter so we may develop this framework and initiate consultation on these issues.

In the Federal-Tribal consultation conference call of June 28, 2000, I reminded the Federal Caucus of the federal commitment to engage in consultation on these issues. I asked when we could expect a response and begin development of this consultation process. The response was "that is a good question. We intend to do that, we will have to get back to you on that." The letter is still in draft form and I have not heard from anyone since the conference call three weeks ago.

The Tribe has received a litany of promises and commitments even a "draft" response and more promises. Yet, nothing more happens and the Opinion and Paper are being developed without our input on these critical issues that so greatly affect us every year. We request you sign the draft letter and initiate the agreement to develop this consultation process. We greatly appreciate your attention to this important matter.

Sincerely,

Howard Funke  
Tribal Attorney  
Spokane Tribe of Indians

Mr. Bruce Wynne, Chair  
Tribal Council  
Spokane Tribe of Indians  
P.O. Box 100  
Wellpinit Washington 99040

Dear Mr. Wynne:.

I am responding to your letter of February 28, 2000 on the behalf of the U.S. Army Corps of Engineers (COE), the Bureau of Reclamation (BOR) and Bonneville Power Administration (BPA). We look forward to meaningful and mutually productive government-to-government, consultations with the Spokane Tribe regarding flood control operations, the Biological Opinion and other activities in the Columbia-Snake River Basins. We understand your Tribe's interest in flood control and river operations that are currently under consideration along with other issues in the region.

In regard to the flood control issue, we anticipate that the Biological Opinion will require a Basin-wide review. If this is so, we will seek formal authorization and appropriations to develop the scope and evaluation process. We will develop the scope of the flood control study in full coordination with the Spokane Tribe and other tribes and regional interests.

We take seriously our commitment to consult with all of the Region's tribes in formulating and implementing any decisions so that concerns can be properly analyzed and accommodated in the most satisfactory manner for all parties. The Federal agencies agree to individual consultation with the Spokane Tribe on your concerns in addition to the more preclusive consultation with Basin Tribes as mentioned in your letter.

Our Native American Coordinators will work with you to establish dates, time-frames, and agendas for our meetings, both on policy and technical levels to address concerns regarding river operation's and other issues of importance to the Spokane Tribe. We look forward to productive discussions,

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Carl A. Strock  
Brigadier General, U.S. Army  
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